Matthew D. O'Conner, WSBA 27061
Law Office Of Matthew D. O'Conner
8011 Greenwood Avenue North
Seattle, WA 98103
Tel: (206) 782-0722
Fax: (206) 783-0233

Judge: Marc L. Barreca
Chapter 7
DATE: July 8, 2011
TIME: 9:30 a.m.
LOCATION: Seattle
RESPONSE DUE: July 1, 2011

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re: Adam R. Grossman, Debtor.	IN CHAPTER SEVEN PROCEEDING No. 10-19817-MLB O'CONNER'S REPLY TO CHAPTER 7 TRUSTEE'S OBJECTION TO MOTION BY COUNSEL FOR RELEASE OF FUNDS HELD IN IOLTA ACCOUNT

To: The Clerk of the U.S. Bankruptcy Court for the Western District of Washington,

To: The Region 18 United States Trustee

To: Ronald Brown, Chapter 7 Trustee, &

To: Adam R. Grossman, Debtor

Matthew D. O'Conner ("O'Conner") hereby replies to the Chapter 7 Trustee Ronald G. Brown's (the "Trustee") Objection to O'Conner's Motion for an order permitting the

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release of some of the funds held in O'Conner's IOLTA account on behalf of the Debtor.

The Trustee's statement is not correct that O'Conner never prepared a Hiring Package and sent it to the U.S. Trustee. (See Objection of Chapter 7 Trustee, page 1, lines 26-27). On November 4, 2010, O'Conner sent to William L. Courshon, the Attorney for the United States Trustee, a 'Hiring Package' consisting of three documents, 1) an Application to Employ Attorney Nunc Pro Tunc, 2) a Proposed Order on Application to Employ Attorney Nunc Pro Tunc, and 3) a Declaration by O'Conner in Support of the Application to Employ Attorney. (See email dated November 4, 2010 attached as Exhibit A).

On November 11, 2010, Mr. Courshon objected to the form or structure of the fee agreement as being a mixed flat fee / hourly agreement. (See email dated November 11, 2010 attached as Exhibit B).

On November 18, 2010, Mr. Courshon suggested that in light of Ms. Borodin's Motion to Appoint a Chapter 11 trustee, that the U.S. Trustee then objected to an ex-parte presentation of the Motion to Employ Attorney Nunc Pro Tunc. (See email dated November 18, 2010 attached as Exhibit C).

WHEREFORE, based on the facts, statutes, and case law set forth hereinabove and in Counsel's previously filed Motion, the Court should grant O'Conner's Motion for an order permitting the release of some of the funds held in O'Conner's IOLTA account on behalf of the Debtor.

LAW OFFICE OF
MATTHEW D. O'CONNER
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SEATTLE, WA 98103
(206) 782-0722 – Fax: (206) 783-0233

DATED this 5th day of July, 2011.

/s/ Matthew D. O'Conner

Matthew D. O'Conner, WSBA #27061
Law Office Of Matthew D. O'Conner
8011 Greenwood Avenue North
Seattle, WA 98103
Tel: (206) 782-0722
Fax: (206) 783-0233

Copies to:

Region 18 United States Trustee (electronic notice)

Ronald Brown, Chapter 7 Trustee (electronic notice)

Adam R. Grossman, Debtor

To: "Courshon, Bill (USTP)" <Bill.L.Courshon@usdoj.gov>
From: "Matthew D. O'Conner" <matthew@mdolaw.com>
Subject: RE: Adam R. Grossman, Case No. 10-19817-SJS
Cc:
Bcc:
Attachments: Grossman, Application to employ attorney.pdf
Grossman, Order on Application to employ attorney.pdf
Grossman, declaration 2 of MDO re Application to employ attorney.pdf

Attached please find the application, declaration and proposed order of employment for my firm for the above mentioned case.

Sincerely,

Matthew D. O'Conner, Attorney at Law
Seattle, Washington, USA - mailto:matthew@mdoLaw.com
Office: 206-782-0722 Fax: 206-783-0233 <http://www.mdoLaw.com>
____

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IRS Circular 230 requires us to advise you that, if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements.

Exhibit A

From: "Courshon, Bill (USTP)" <Bill.L.Courshon@usdoj.gov>
To: "Matthew D. O'Conner" <matthew@mdolaw.com>
Date: Thu, 11 Nov 2010 17:54:04 -0500
Subject: RE: Adam R. Grossman, Case No. 10-19817-SJS
Thread-Topic: Adam R. Grossman, Case No. 10-19817-SJS
Thread-Index: Act8alPaRCf0tMf+Q5Sl13Tp4zlnlgFiGAsg
Accept-Language: en-US
acceptlanguage: en-US
X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000
definitions=2010-11-11_12:2010-11-11,2010-11-11,1970-01-01 signatures=0
X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000
definitions=2010-11-11_12:2010-11-11,2010-11-11,1970-01-01 signatures=0
X-SmarterMail-Spam: SPF_None, DK_None, DKIM_None
X-SmarterMail-TotalSpamWeight: 0

Mr. O'Conner:

The U.S. Trustee objects to the request for approval of a mixed fixed fee of $5,000. We would withdraw the objection if you change this to a retainer of $5,000. In addition, the declaration refers to an attached retainer agreement, but it was not attached. Please provide me a copy of the retainer agreement for our review. If you have any questions, please let me know.

Thanks,

William L. Courshon
Attorney for the United States Trustee
700 Stewart Street, Suite 5103
Seattle, WA 98101-1271
Telephone: (206) 553-2000, ext. 252
Fax: (206) 553-2566
E-mail: Bill.L.Courshon@usdoj.gov

-----Original Message-----
From: Matthew D. O'Conner [mailto:matthew@mdolaw.com]
Sent: Thursday, November 04, 2010 2:49 PM
To: Courshon, Bill (USTP)
Subject: RE: Adam R. Grossman, Case No. 10-19817-SJS

Attached please find the application, declaration and proposed order of employment for my firm for the above mentioned case.

Sincerely,

Matthew D. O'Conner, Attorney at Law
Seattle, Washington, USA - mailto:matthew@mdoLaw.com
Office: 206-782-0722 Fax: 206-783-0233 <http://www.mdoLaw.com>
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From: "Courshon, Bill (USTP)" <Bill.L.Courshon@usdoj.gov>
To: "'Matthew D. O'Conner'" <matthew@mdolaw.com>
Date: Thu, 18 Nov 2010 20:11:07 -0500
Subject: RE: Adam R. Grossman, Case No. 10-19817-SJS
Thread-Topic: Adam R. Grossman, Case No. 10-19817-SJS
Thread-Index: Act8alPaRCf0tMf+Q5Sl13Tp4zlnlgFiGAsgAWR18eA=
Accept-Language: en-US
acceptlanguage: en-US
X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000
definitions=2010-11-19_01:2010-11-18,2010-11-19,1970-01-01 signatures=0
X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000
definitions=2010-11-19_01:2010-11-18,2010-11-19,1970-01-01 signatures=0
X-SmarterMail-Spam: SPF_None, ubl.unsubscore.com, DK_None, DKIM_None
X-SmarterMail-TotalSpamWeight: 10

Mr. O'Conner:

In light of Judge Steiner's rulings at the hearing on Rabbi Borodin's motion to appoint a chapter 11 trustee on November 12, 2010, and the fact that you have requested approval of your employment retroactive to the date of filing (approximately 3 months ago), in addition to our comments below regarding your application for employment as counsel for the debtor, the UST further objects to your presenting an order approval your employment, nunc pro tunc, on an ex parte basis, and requests that you note up the application for hearing, with notice to all creditors and parties in interest. If you wish to have this matter heard at the same time as the continued hearing on the motion to appoint a trustee on December 3, 2010, the UST would not object to entry of an order shortening time so that this matter may also be heard on that date. If you have any questions, please let me know. Thank you for your cooperation.

Sincerely,

William L. Courshon
Attorney for the United States Trustee
700 Stewart Street, Suite 5103
Seattle, WA 98101-1271
Telephone: (206) 553-2000, ext. 252
Fax: (206) 553-2566
E-mail: Bill.L.Courshon@usdoj.gov

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From: Courshon, Bill (USTP)
Sent: Thursday, November 11, 2010 2:54 PM
To: Matthew D. O'Conner
Subject: RE: Adam R. Grossman, Case No. 10-19817-SJS

Mr. O'Conner:

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Thanks,

William L. Courshon
Attorney for the United States Trustee
700 Stewart Street, Suite 5103

Seattle, WA 98101-1271
Telephone: (206) 553-2000, ext. 252
Fax: (206) 553-2566
E-mail: Bill.L.Courshon@usdoj.gov

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Sincerely,

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